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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,283	12/01/2003	Christopher J. Stone	D3072	1826
20028	7590	10/02/2007		
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			EXAMINER IDOWU, OLUGBENGA O	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,283

Applicant(s)

STONE ET AL.

Examiner

Olugbenga O. Idowu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/9/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. This office action is in response to application number: 10/725 283 filed on 12/1/2003. Claims 1 – 38 have been examined and are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 –3, 5-8, 10- 12, 14, 18 –20, 22 – 25, 27 – 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiallos, publication number: US 2002/0152467 A1 in view of Trovato, patent number: US 6 469 742 B1 in further view of Barret, publication number: US 2007/0143793 A1.

As per claims 1 and 18, Fiallos teaches enabling software and firmware downloads to appliances, comprising:

forwarding a download control message to a television terminal associated with a television appliance (sending instructions to IRDs connected to televisions, [0026]), said download control message comprising: (i) a first version identifier which identifies a version of an available software or firmware download (upgrade version, [0082], lines 3 - 7); (ii) a first type identifier which identifies a particular type of appliance for which said download is intended (model field 290, [0082], lines 1 - 3); and (iii) a download

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object containing said software or firmware to be downloaded (software upgrade data field 360, [0085], lines 6 - 8);

enabling said terminal to obtain a second type identifier from said appliance that identifies the type of said appliance (checking manufacturer ID of appliance, [0053], lines 4 - 7);

comparing said first and second type identifiers (comparing manufacturer Identifications, [0053], [0089]);

if said first and second identifiers correspond, enabling said television terminal to obtain a second version identifier from said appliance identifying a current version of software or firmware of said appliance (providing old software version, [0046]);

comparing said first version identifier to said second version identifier (checking if upgrade is supported, [0047]); and

if said first version identifier does not correspond to said second version identifier, passing the download object from said television terminal to said appliance (checking if upgrade is supported and upgrading, [0047], [0089-0094]).

Fiallos does not teach sending the received upgrade software to a connected high definition television.

In an analogous art, Trovato teaches sending the upgrade software to a connected television (Transmitting upgrade information to televisions through receivers, col. 4, lines 6 - 11, 51 - 58, col. 5, lines 35 - 49)

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It would have been obvious to one of ordinary skill in modify Fiallos' upgrade system by allowing it to upgrade televisions as described in Travato's adaptable electronic device for the advantages of increasing the functionality of the television and making it less antiquated.

The combination of Fiallos and Travato do not teach the connected television being a high definition television.

In an analogous art, Barrett, teaches the display device being a high definition device (high definition display, [0040])

Therefore it would have been obvious to one of ordinary skill in the art to modify the combination of Fiallos and Travato's television to be a high definition television for the advantages of better quality and representation of images.

As per claims 2 and 19, the combination teaches wherein: said first version identifier identifies an updated version of software or firmware as compared to said current version of software or firmware (Fiallos: future and past upgrades [0045-0046]).

As per claims 3 and 20, the combination teaches wherein: in the event that said first version identifier identifies an older version of software or firmware as compared to said current version of software of firmware, said download object is not passed to said high definition television appliance (Fiallos: checking if upgrade is acceptable, [0047]).

As per claims 5 and 22, the combination teaches further comprising: providing an authorization check prior to passing said download object to said high definition television appliance (Fiallos: verification, [0041]).

As per claims 6 and 23, the combination teaches further comprising: providing for authentication between a download source and the television terminal (Fiallos: verification, [0041]).

As per claims 7 and 24, the combination teaches wherein: said download control message comprises a segmented message (Fiallos: CRC, [0070]).

As per claims 8 and 25, the combination teaches wherein said download control message further comprises a cyclic redundancy check (CRC) trailer to enable verification that each segment of said download is received (Fiallos: CRC, [0070]).

As per claims 10 and 27, the combination teaches further comprising: enabling the download control message to pass directly to the high definition television appliance from the download source via the television terminal without processing by said television terminal (Trovato: sending upgrade directly to TV, col. 4, lines 51 - 58).

As per claims 11 and 28, the combination teaches wherein: said current version of

software or firmware is stored in a first storage location; and said download software or firmware is stored in a second storage location (Follios: IRD reverting to normal operation after not being able to download upgrade, [0050]).

As per claims 12 and 29, the combination teaches further comprising: verifying the robustness of the downloaded software or firmware; if said robustness is verified, rebooting said high definition television appliance and loading the downloaded software or firmware from said second storage location; and if said downloaded software or firmware is not operable, reverting to said software or firmware in said first storage location (Follios: verification, [0041], IRD reverting to normal operation after not being able to download upgrade, [0050]).

As per claims 14 and 31, the combination teaches further comprising: generating a graphical user interface on said high definition television appliance to inform a user that said download is available; and enabling a user to accept or refuse said download (Follios: upgrade announcement, [0033]).

4. Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiallos, publication number: US 2002/0152467 A1 in view of Trovato, patent number: US 6 469 742 B1 in view of Barret, publication number: US 2007/0143793 A1 in further view of Ma, publication number: US 2006/0123449 A1.

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As per claims 4 and 21, the combination teaches receiving upgrade software for a high definition television.

The combination of Fiallo, Trovato and Barret does not teach the high definition television receiving the upgrade through a high definition multimedia interface.

In an analogous art, Ma teaches wherein: the download object is passed from the television terminal to said high definition television appliance via one of a digital visual interface or a high definition multimedia interface (data being directed through HDMI, [0051], lines 12 - 15).

Therefore, it would have been obvious to one of ordinary skill to modify the combination by including the an HDMI connection as described in Ma's information integration system for the advantages of better image quality and faster transfer speed.

5. Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiallos, publication number: US 2002/0152467 A1 in view of Trovato, patent number: US 6 469 742 B1 in view of Barret, publication number: US 2007/0143793 A1 in further view of Tarvato patent number: US 6 469 742 B1.

As per claims 9 and 26, the combination of Fiallos, Trovato and Barret teaches receiving upgrade software for a high definition television

The combination does not teach determining if the appliance supports downloads and reporting to the download source.

Trovato further teaches further comprising: determining by said terminal whether said associated high definition television appliance supports downloads of software or firmware; and reporting from the terminal to a download source whether said high definition television appliance supports downloads (communicating an upgrade request to the source, col. 5, lines 46 – 49, 50 -58)

Therefore, it would have been obvious to modify the combination by further including a way of communicating with the upgrade source as described in Travato's upgradeable device for the advantage of ascertaining the capacity of the appliance.

6. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiallos, publication number: US 2002/0152467 A1 in view of Trovato, patent number: US 6 469 742 B1 in view of Barret, publication number: US 2007/0143793 A1 in further view of Tarvato patent number: US 6 469 742 B1.

As per claims 13 and 30, the combination of Fiallos, Trovato and Barret teaches receiving upgrade software for a high definition television and monitoring the status of the upgrade ([0050], lines 7 – 15).

The combination does not teach communicating with the download source.

Travato further teaches reporting a status of the download back to the download source (communicating with headend, col. 5, lines 50 - 58).

Therefore, it would have been obvious to modify the combination by including a way of communicating with the upgrade source as described by Travato's upgradeable device for the advantages of checking if there are errors or problems during download.

7. Claims 15 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiallos, publication number: US 2002/0152467 A1 in view of Trovato, patent number: US 6 469 742 B1 in view of Barret, publication number: US 2007/0143793 A1 in further view of Rosin, publication number: US 2002/0078467 A1.

As per claims 15 and 32, the combination Fiallos, Trovato and Barret teaches receiving upgrade software for a high definition television.

The combination does not teach a fee associated with the download.

In an analogous art, Rosin teaches wherein said download is provided for a fee (a fee is charged for downloading, [0094], lines 1 - 5)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination by including a fee as described in Rosin for the advantages of keeping the upgrade source up and running with the most recent updates.

8. Claims 16-17, 33- 34 and 35 - 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Fiallos, publication number: US 2002/0152467 A1 in view of Trovato, patent number: US 6 469 742 B1 in view of Barret, publication number: US 2007/0143793 A1 in further view of Mawatari, publication number: US 2003/0214507 A1.

As per claims 16 and 33, the combination of Fiallos, Trovato and Barret teaches receiving upgrade software for a high definition television.

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The combination does not teach modifying the EDID in the high definition television.

In an analogous art, Mawatari teaches further comprising: modifying a monitor descriptor block of Extended Display Identification Data (EDID) at said high definition television appliance to include said second version identifier (display device having EDID, memory on EDID being modified, [0037], [0064], [0068] Fillaos: appliance including information on future upgrades, [0045]).

Therefore, it would have been obvious to one of ordinary skill to modify the combination by including an EDID which can be edited as described in mawatari's display system for the advantages of upgrading and giving the appliance a longer useful lifespan.

As per claims 17 and 34, the combination of Fiallos, Trovato, Barret and Mawatari teaches further comprising: further modifying said monitor descriptor block to include indicators for at least one of download available (upgrade available, [0033]), start download, download complete, download error, authentication failed, insufficient space for download, flash error, and hardware error.

As per claim 35, Fiallos teaches an appliance adapted for receiving software or firmware downloads, comprising:

a first memory location containing Extended Display Identification Data (EDID) having a monitor descriptor block modified to include a first version identifier identifying a current version of software or firmware running on said appliance (Past upgrades, [0046]);

a second memory location containing said current version of software or firmware (upgrades, [0044- 0046]); and

a processor for executing said current version of software or firmware (IRD 40);
wherein:

said terminal is adapted to receive a download control message from a download source (sending instructions to IRDs connected to televisions, [0026]), said download control message comprising: (i) a first version identifier which identifies a version of an available software or firmware download (upgrade version, [0082], lines 3 - 7); (ii) a first type identifier which identifies a particular type of appliance for which said download is intended (model field 290, [0082], lines 1 - 3); and (iii) a download object containing said software or firmware to be downloaded (software upgrade data field 360, [0085], lines 6 - 8);

said terminal is adapted to obtain a second type identifier from said appliance that identifies the type of said appliance (checking manufacturer ID of appliance, [0053], lines 4 - 7);

said terminal is adapted to compare said first and second type identifiers (comparing manufacturer Identifications, [0053], [0089]);

if said first and second identifiers correspond, said television terminal is adapted to obtain a second version identifier from said appliance which identifies said current version of software or firmware of said appliance (providing old software version,[0046]);

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said terminal is adapted to compare said first version identifier to said second version identifier (checking if upgrade is supported, [0047]); and

if said first version identifier does not correspond to said second version identifier, said terminal is adapted to pass the download object to said appliance (checking if upgrade is supported, and upgrading [0047], [0089-0094]).

Fiallos does not teach sending the received upgrade software to a connected high definition television and modifying the EDID.

In an analogous art, Trovato teaches sending the upgrade software to a connected television (Transmitting upgrade information to televisions through receivers, col. 4, lines 6 – 11, 51 – 58, col. 5, lines 35 - 49)

It would have been obvious to one of ordinary skill in modify Fiallos' upgrade system by allowing it to upgrade televisions as described in Trovato's adaptable electronic device for the advantages of increasing the functionality of the television and making it less antiquated.

The combination of Fiallos and Travato do not teach the connected television being a high definition television and Modifying the EDID.

In an analogous art, Barrett, teaches the display device being a high definition device (high definition display, [0040])

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Therefore it would have been obvious to one of ordinary skill in the art to modify the combination of Fiallos and Travato's television to be a high definition television for the advantages of better quality and representation of images.

As per claim 36, the combination teaches a high definition television appliance wherein: said first version identifier identifies an updated version of software or firmware as compared to said current version of software or firmware (checking if upgrade is supported, [0047]).

The combination of Fiallos, Travato and Barret does not teach modifying the EDID in the high definition television.

In an analogous art, Mawatari teaches further comprising: modifying a monitor descriptor block of Extended Display Identification Data (EDID) at said high definition television appliance to include said second version identifier (display device having EDID, memory on EDID being modified, [0037], [0064], [0068] Fillaos: appliance including information on future upgrades, [0045]).

Therefore, it would have been obvious to one of ordinary skill to modify the combination by including an EDID which can be edited as described in mawatari's display system for the advantages of upgrading and giving the appliance a longer useful lifespan.

As per claim 36, the combination teaches further comprising: further modifying said monitor descriptor block to include indicators for at least one of download available

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(upgrade available, [0033]), start download, download complete, download error, authentication failed, insufficient space for download, flash error, and hardware error.

As per claim 37, the combination teaches a high definition television appliance wherein: said first version identifier identifies an updated version of software or firmware as compared to said current version of software or firmware (Fiallos: future and past upgrades [0045-0046]).

As per claim 38, the combination teaches a high definition television appliance wherein: in the event that said first version identifier identifies an older version of software or firmware as compared to said current version of software or firmware, said download object is not passed to said high definition television appliance (Fiallos: checking if upgrade is acceptable, [0047]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olugbenga O. Idowu whose telephone number is 571 270 1450. The examiner can normally be reached on Monday to Friday, 7am -5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571 272 7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.I.



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